

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with approval of Specific Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on July 14, 2005, regarding Specific Design Plan SDP-0319 for The Preserve at Piscataway, Bailey’s Village, the Planning Board finds:

1. **Request:** This Specific Design Plan, SDP-0319, for Bailey’s Village is for 56 single-family detached lots, 49 single-family attached lots, 1 lot for the existing historic site, and rough grading for future commercial and multifamily buildings and associated parking facilities. The specific design plan includes a site plan, a tree conservation plan, a landscape plan, and detail sheets. Companion to this case is an alternative compliance application (AC-05012). Architecture is not being reviewed with this application. The plans will be revised to add architectural elevations for the units, the commercial building(s), and the multifamily building.

2. **Development Data Summary**

	<b>EXISTING</b>	<b>PROPOSED</b>
	R-L	R-L
Zone(s)		
Use(s)	Single-family	Single-family
Acreage	23.16	23.16
Lots	0	
Square Footage/GFA	0	N/A
Dwelling Units:		
Attached	0	49
Detached		56
Multifamily	0	0
Total Dwelling Units		105

**Other Development Data**

Parking Required for Townhouses	
49 units x 2.04 spaces	100 spaces
Parking Provided for Townhouses	98 spaces

Note: The staff recommends additional parking be provided to accommodate the required number of spaces.

3. **Location:** This specific design plan (SDP-0319) for Bailey’s Village is located in Planning Area

84, north and south of Floral Park Road near and at its intersection with Danville Road.

4. **Surroundings and Use:** The subject 23.16 acres are the fifth phase of the overall development of the project known as the Preserve. To the west is the developing Phase I of the project known as Glassford Village. This portion of the development will provide access to development from Floral Park Road.
5. **Previous Approvals:** On September 14, 1993, the County Council, sitting as the District Council for the part of the Maryland-Washington Regional District in Prince George's County, adopted CR-60-1993 approving the master plan and the sectional map amendment for Subregion V in Prince George's County. Comprehensive Design Zone Amendment Three (Zoning Applications A-9869 and A-9870), known as Villages at Piscataway, rezoned 858.7 acres in the R-A Zone to the R-L Zone (Residential-Low Development, 1.0 to 1.5 du/acre) and 19.98 acres to the L-A-C Zone (Local Activity Center—Village Center). The basic plan was approved with 39 conditions and 11 considerations. The base residential density of the R-L Zone was approved as 818 dwelling units; the maximum residential density in the R-L Zone was approved as 1,000 dwelling units.

On March 24, 1994, the Prince George's County Planning Board reviewed and approved a comprehensive design plan (CDP-9306) for the subject property known as Villages at Piscataway, as described in PGCPB No. 94-98(C). The comprehensive design plan (CDP) was approved with 36 conditions. The CDP included the entire 878.7 acres of land zoned R-L and L-A-C to be developed as a village community with a golf course component. The CDP approved 202 single-family detached units and 64 single-family attached units in Glassford Villages, the area of the subject application.

On June 17, 2003, the Planning Board approved preliminary plan 4-03027 for The Preserve for 836 dwelling units, which includes the area that is the subject of this application. Variation requests for impacts to sensitive environmental features and a revised Type I Tree Conservation Plan, TCP-I/9/94-02, were included in that approval.

#### **COMPLIANCE WITH EVALUATION CRITERIA**

6. **Basic Plan Conformance:** The specific design plan for Edelen Villages, North and South, as modified by the conditions, will be in conformance with the basic plan for zoning map amendments A-9869 and A-9870 and with the 39 conditions and 11 considerations of CR-60-1993. Specific conditions that warrant discussion regarding conformance of this specific design plan, SDP-0318, with the basic plan are considered below:
  4. **Phase I archeological survey with possible Phase II and Phase III follow-up shall be undertaken prior to any groundbreaking activity in the vicinity of the old village including the area of road construction. The boundaries of the area needing archeological survey can be set at time of CDP approval.**

In the review of the comprehensive design plan by the Planning Board, the following

condition was adopted in order to assure that the basic plan condition above was adhered to:

- 4. Prior to approval of any grading permit for the golf course, for the construction of New Piscataway Road, or for any development north and west of New Piscataway Road within the boundaries of the Comprehensive Design Plan, the following shall be accomplished:**
  - a. The applicant, his heirs, successors and/or assigns, shall complete the Phase I archeological survey for the entire archeological survey area.**
  - b. The Phase I archeological survey shall be reviewed and accepted by staff of the Historic Preservation Section.**
  - c. The exact boundaries of any areas where Phase II and Phase III surveys will be required will be mapped and agreed upon by the applicant and the Historic Preservation Section.**

**Prior to any grading permits for any area where a Phase II or Phase III archeological survey is agreed upon, that survey shall be completed by the applicant, his heirs, successors and/or assigns, and shall be reviewed and accepted by staff of the Historic Preservation Section.**

Further, on this same subject is the following condition of the preliminary plan of subdivision:

- 3. Prior to the issuance of grading permits for any area where a Phase III archeological survey is required (sites 470B, 476, 496, 516, 521 and 531 as identified on the preliminary plan), the survey shall be reviewed and accepted by the Historic Preservation Section.**

Comment: The subject application does not include any of the archeological sites for which a Phase III investigation was required. Therefore, no additional archeological investigation is required for this site.

- 8. The majority of the commercial uses proposed for the L-A-C shall be retail.**

Comment: The subject application does involve land area that will ultimately contain the commercial uses for the overall project. However, this specific design plan is for infrastructure only. When the plan is resubmitted for a revision in order to develop the commercial portion of the project, then the issue of ensuring that retail is the predominant commercial use will be addressed. For purposes of this approval, the staff recommends that the basic plan condition be carried over as a condition on this plan.

- 10. The L-A-C portion of the project known as Bailey's Village shall be designed so as**

**to be compatible with the adjacent historic Bailey's Plantation (Edelen House) and the Historic Village. Specific details pertaining to the building mass, height, scale and construction materials and details shall be provided as part of the CDP submission.**

Comment: As approved by the Planning Board, the related Comprehensive Design Plan, CDP 9306 includes the following condition (according to its numbering within (PGCPB No. 94-98):

- 28. The design of Bailey Village should be compatible with the height, scale, building mass, directional expression, roof shapes, building materials, and architectural details found in the historic village of Piscataway. Particular attention should be given to the view of Bailey Village from Floral Park Road and Piscataway Road. The view from this area shall not be exclusively the view of large blocks of townhouse units, either fronts or backs.**

The subject application is limited to infrastructure elements of Bailey's Village such as the layout of streets, the siting of buildings, and the arrangement of open spaces. The subject application provides for a prominent role for the Edelen House within the community developing around it. The historic site, at the western edge of Bailey Village, will be highly visible from Floral Park Road to the north, New Piscataway Road to the west, and from within Bailey Village itself as the terminus of a public street. As defined by the subject application, the orientation of adjacent new construction will associate the historic site with a traditional residential streetscape while allowing it to retain a larger and more commanding setting.

The intent of Basic Plan (A-9870) Condition 10 and CDP 9306, Condition 28, to ensure compatibility between the historic site and the new village/LAC component of The Preserve, will be more fully addressed through the review of proposed architectural design, building materials, and details with subsequent specific design plan applications. No building permits will be approved prior to the applicant submitting a revision to the plans for approval of the architecture.

- 29. The developer, his successors and/or assignees, shall work with community representatives and M-NCPPC staff to find a suitable organization to accept responsibility for preserving and protecting the Edelen House (Bailey Mansion).**

Comment: M-NCPPC declined to accept ownership of the Edelen House. At the time of the CDP, a tentative agreement was reached between the Department of Parks and Recreation, the Historic Preservation Section, and the developer to sell a 3.2-acre tract of land containing the historic Edelen House to a private party who intended to preserve the property and restore it for use as a residence/bed and breakfast. However, that scenario never came to fruition. There is a clear rational nexus between requiring the applicant to provide a public benefit feature, i.e., the preservation and restoration of a designated historic site, relative to the benefit of deriving density from the site. The applicant agreed to provide a report of the structural integrity of the house, including any hazardous

materials within the structure, to determine how monies should be spent in making the property an attractive real estate investment for reuse. For further discussion on this same, see Finding 8, Conditions 44 and 45.

- 36. A contribution shall be made to the Historic Piscataway Preservation Grant and Loan Fund, which shall be used for the preservation of buildings in the Village. At the time of each residential permit issuance, the applicant shall contribute \$400 to the fund.**

Comment: This condition is reiterated in this SDP in order to ensure the collection of the contribution at the time of review of the building permits.

#### **BASIC PLAN CONSIDERATIONS**

- 4. Woodland conservation of 35 percent should be a Phase II design consideration as well as the preservation of a large contiguous wooded area in the southern portion of the site.**

Comment: The approved Type I Tree Conservation Plan, TCPI/09/94-02, proposes woodland conservation of 272.88 acres. This is the equivalent of 35 percent of the net tract. All required woodland conservation must be met on site. The plan proposes extensive preservation of priority woodland including preservation on large lots. The Type I tree conservation plan does not allow woodland conservation areas on lots less than 20,000 square feet in area, does not allow the use of fee-in-lieu, and does not permit the use of an off-site easement. Woodland conservation is discussed in more detail in the environmental review section below. The proposed TCPII is in general conformance with the approved TCPI.

- 6. A wetlands report shall be approved by the Natural Resources Division prior to approval of the Phase II Comprehensive Design Plan.**

A wetlands report was included as part of the CDP submission and was reviewed and approved by the Environmental Planning Section. Impacts to wetlands and wetland buffers are discussed in more detail in the environmental review section below.

- 7. Comprehensive Design Plan Conformance:** This specific design plan was reviewed for conformance with the approved comprehensive design plan, CDP-9306. Specific conditions that warrant discussion regarding conformance (besides those conditions previously discussed relative to the basic plan conditions) are considered below:

- 1. b. The following architectural standards for civic and institutional buildings, for structures in Bailey Village, and for all residential and commercial structures surrounding village greens shall be added to the text:**

- (1) All commercial structures in Bailey Village and all structures on Lots adjoining Piscataway Road and Floral Park Road or on lots facing**

**Piscataway Road and Floral Park Road with no intervening structures shall have facades constructed of natural materials (wood, brick, stone, stucco, split-face block, etc...). No vinyl or aluminum siding shall be permitted.**

- (2) All civic and institutional buildings and all structures facing a village green in any village and those structures in Bailey Village not covered by (1) above shall have facades constructed of the natural materials mentioned in (1) above, or may have facades constructed of Restoration Series vinyl siding, or equal, provided that at the time of Specific Design Plan the applicant submits for approval a special package of architectural details for use on all vinyl-sided buildings. The architectural details in this package shall exceed in number, detail and visual interest the details used on other houses in the Villages and shall include items such as brick foundation walls, bracketed cornices, decorative window caps, brick porch foundations and/or lead walks, and cupolas or belfries.**
- (3) All buildings shall be designed with special attention to architectural details which evoke the image of a traditional town. At least half of the structures located facing a village green in any village which are also located at the intersection of two streets shall include special architectural details or special treatment of the corners which will distinguish them visually from adjacent houses, such as round turrets, bay windows or wrap-around porches.**
- (4) All buildings within Bailey Village shall be designed so as to be compatible with Historic Piscataway Village.**
- (5) Screening of off-street parking areas within Bailey Village from public and private streets (except alleys) and from the play areas of the golf course shall be accomplished through the use of masonry or stone walls, or, where appropriate, existing vegetation, landscaping or painted fences.**
- (6) Significant architectural elements such as cupolas, towers, bays etc., shall be provided on the facades of buildings which act as focal points to terminate vistas in conformance with sheet 19, Illustrative Bailey Village Plan, and Sheet 16, Potential Public Space and View Corridors.**

Comment: These requirements are not applicable to the approval of this specific design plan for infrastructure, but will be relevant in the review of the architecture, to be submitted with a revision to this plan. The staff recommends that a condition relating to the CDP conditions above be included in the approval of this plan.

- 1.d. No fences constructed of pressure-treated or other wood left to weather naturally shall be permitted in North Glassford Village, Bailey Village or where visible from public streets, parkland or the golf course. Chain-link fences generally used to enclose recreation facilities shall be black vinyl-coated. All fences shall be painted or stained.**

Comment: These requirements are not applicable to the approval of this specific design plan for infrastructure, but will be relevant in the review of the architecture, to be submitted with a revision to this plan. The staff recommends that a condition relating to the CDP conditions above be included in the approval of this plan.

- e. The following standard shall be added to the text: All detached residential lots 50 feet wide or less at the street line shall be provided with one of the following: (1) an alley (if allowed by the Subtitle 24, Subdivisions, and other applicable provisions of the County Code) providing access to a garage (one- or two-car, detached or attached) to prevent garage doors from becoming an overly dominant element of the streetscape; or (2) a one-car garage accessed from the front street, with the front edge of the garage set back a minimum of 10 feet from the most recessed front facade plane of the house.**

Comment: This site plan proposes detached residential lots less than 50 feet in width with frontage on the public street, but with vehicular access to a private street.

- f. The provision of alleys with access to detached garages shall be encouraged (if allowed by Subtitle 24, Subdivisions, and other applicable provisions of the County Code) for single-family attached units. If alleys are allowed, the use of front-loaded garage townhouse units shall be prohibited on the main spine roads, the village greens, and in Bailey Village. If alleys are not allowed, the use of front-loaded garages shall be prohibited on the village greens and within Bailey Village.**

Comment: This site plan proposes alleys to serve the single-family attached (townhouse) units. Although the footprint of the buildings incorporates an integral garage, rather than the detached garage, the effect is the same as viewed from the public right-of-way. The staff believes that the integral garage provides the benefit of direct access into the unit and considers this product type as desirable as the detached garage and, therefore, does not believe that changing the plan to show a detached garage is necessary.

- g. The following revisions shall be incorporated into the Architectural Guidelines Section of the CDP text:**

- 1. Residential Architectural Guidelines for the Villages and Danville Estates....**

Comment: The conditions referenced above in part, relate to the architectural design of residential units and will be applied in the review of a revision to the plans that addresses the architectural products for the residential units. A condition is added to the approval of this plan to address these issues.

- 9. A 100-year floodplain study or studies shall be approved by the Flood Management Section of the Department of Environmental Resources (DER) for each drainage area greater than 50 acres in size. Prior to approval of each Specific Design Plan or detailed Preliminary Plat of Subdivision, whichever comes first, a floodplain study shall be approved for any floodplain that is adjacent to or affecting the area of the plan.**

Comment: A floodplain study (FPS-960029) has been approved by the Prince George's County Department of Environmental Resources. The approved 100-year floodplain is shown on the plans. No further action is required.

- 10. A Stormwater Management Concept Plan shall be approved by DER prior to approval of the first Specific Design Plan or the first detailed Preliminary Plat of Subdivision, whichever comes first.**

Comment: A conceptual stormwater management plan has been approved by the Prince George's County Department of Environmental Resources. No further action is required.

- 11. Prior to approval of the master Preliminary Plat of Subdivision, the applicant, his heirs, successors and/or assigns, shall submit a geotechnical report verifying the presence or absence of Marlboro clay in the southwest portion of the property in accordance with DER criteria. In areas where it is determined that Marlboro clay might affect structural stability, a detailed geotechnical report shall be submitted for review and verification by the Natural Resources Division prior to approval of any detailed Preliminary Plat of Subdivision.**

Comment: A soils report was submitted with 4-96047. That study indicated that Marlboro clay occurs on the site between elevations 40 to 55. A more detailed study was submitted with SDP-9804. Marlboro clay is discussed in more detail in the Environmental Review section below.

- 13. Prior to submittal of each Specific Design Plan, the applicant, his heirs, successors and/or assignees, shall field locate the specimen trees specified by the Natural Resources Division.**

Comment: All specimen trees are shown on the Type II tree conservation plan. This issue is addressed in more detail in the environmental review section below.



- 14. Prior to submission of each Specific Design Plan, the applicant, his heirs, successors and/or assignees, shall confer with the Natural Resources Division regarding appropriate wildlife management measures to be employed in the portion of the development which is the subject of that Specific Design Plan.**

Comment: A wildlife management plan for the entire Preserve at Piscataway project was submitted. The plan includes the preservation of wooded stream corridors, retention of wood lots that have a low area-to-edge ratio, and the use of best-management practices for stormwater management to provide for water quality control and avoid excessive water quality flows. Although there is an extensive internal roadway system, green space areas provide for retention of most of the existing wildlife corridors. No further action is required.

- 26. Prior to certificate approval, the following additional standards and requirements shall be added to the CDP text or plans:**

- c. A master street tree planting framework shall be provided which specifies a street tree type and typical tree spacing for each street in the villages and in Danville Estates.**

Comment: The master plan of street trees indicates the use of a variety of shade trees within the public right-of-way. This specific design plan correctly reflects the approved master plan of street trees. The sizes are proposed at 2½- to 3-inch caliper. The average distance between street trees is 35 feet on center. The staff recommends that the Planning Board adopt a condition requesting that DPW&T approve street trees in accordance with the master plan of street trees.

- e. A note shall be added to the plans which states that if acceptable to the Department of Public Works and Transportation, special sidewalk paving, characteristic of traditional towns, such as concrete unit pavers or brick, shall be used along the main spine roads (Road A, AA, AAA, B1, BB, BBB and DD), throughout Bailey Village and around the interior and exterior of the village greens. At the time of the first SDP which contains any one of these areas, the paving material shall be selected and approved for the rest of these areas.**

Comment: This condition requires the special paving throughout Bailey Village. The plans do not indicate where the special paving is to occur, however, there is a paving section shown on the plans. Staff recommends that prior to signature approval of the plans that the special paving be shown within the public right-of-way throughout Bailey Village.

- f. A section shall be added to the text which includes general standards for special decorative lighting (if acceptable to DPW&T), and street furnishings which shall be used throughout Bailey Village, around the village greens and at the tennis and swim centers.**

Comment: This condition requires special lighting throughout Bailey Village. The plans do not indicate a suitable lighting fixture. Staff recommends that prior to signature approval of the plans that the lighting fixture be identified and shown throughout Bailey Village.

8. **Preliminary Plan Conformance:** The property is the subject of Preliminary Plan 4-03027, PGCPB Resolution No. 03-122, adopted by the Planning Board on June 17, 2003. The preliminary plan remains valid for six years from the date of the Planning Board's adoption of the resolution, or until June 17, 2009, in this case. The preliminary plan was approved with 47 conditions. The following conditions that have not been discussed elsewhere in this report apply to the review of this SDP.

2. **Prior to signature approval of the preliminary plan, the plan should be revised to address the following layout and use issues that may affect the proposed lotting pattern:**

- a. **The plans should be revised to enlarge the open space provided in the village green for Bailey Village to approximately 21,600 square feet, or some other functional design as agreed upon by the applicant and staff. If the village green is provided in accordance with the size provisions of the CDP, then the configuration of the village shall be: 1) surrounded by streets in a clear grid pattern as was provided for on the CDP, or 2) one side of the village green shall be bordered by a retail or institutional use building with a substantially designed pedestrian connection provided, or 3) some other equally functional design as agreed upon by the applicant and staff. In any case, the village green shall not be bordered by a parking lot on more than one side unless also separated by a public right-of-way.**

Comment: The plans include the design of the open space within the village green. It was envisioned in the CDP to be a village green surrounded by streets on four sides, typical of green commons in small towns in the past. This plan proposes the village green adjacent to the future commercial development on one side, similar to the design proposed on the preliminary plan that led to the condition above. The staff recommends that the details and specifications of the amenities within the village green be provided to include the following:

- a. The plan drawn to 1 inch equals 10 feet scale.
- b. The details of the walls shown on the plan.
- c. Location, details and specifications of lighting fixtures within the village green.
- d. Details and specifications of the paving materials and edging shall be provided.
- e. Details and specifications of the seating elements shall be provided.

- 4. The applicant, his heirs, successors and/or assignees shall provide for the continuous occupancy of the Edelen House Historic Site 84-23-06. The applicant shall work with the Historic Preservation staff to ascertain methods of informing prospective purchasers and tenants of the availability of the property.**

Comment: The applicant is currently in compliance with this condition. The Edelen House Historic Site (84-23-06) is currently occupied as the applicant's on-site offices for the development. This condition should be included as part of all subsequent applications.

- 6. An errant golf ball study shall be submitted at the time the specific design plan review for land adjacent to the golf course.**

Comment: This condition requires an errant golf ball study to be submitted with any SDP for land adjacent to the golf course. The applicant has submitted the errant shot study and has provided a worksheet drawing that overlays the evidence provided by the golf course designer, William Love, RLA. This drawing shows a circle representing the radius of where most errant shots will fall. The landscaping has been carefully placed adjacent to the edge of the circle radius along the rear lot lines to provide a buffer in those areas where an errant ball might fall, as shown on the errant shot study. This issue will be further studied at the time of review of the SDP for the golf course.

- 8. The following items shall be addressed prior to the approval of the SDP that includes the following:**

- a. The architectural elevations of the building located adjacent to the village green within Bailey Village shall be designed such that they provide a pedestrian-friendly architectural detail.**

Comment: This specific design plan is for infrastructure only. The architecture for the buildings adjacent to the village green will be addressed with a revision to add architecture prior to the issuance of any building permits for the commercial structures.

- b. The applicant shall submit for review the technical design plans for the stormwater management pond located at the intersection of Floral Park Road and Piscataway Road so that the visual appearance can be assessed.**

Comment: The issue above was addressed in the review of Piscataway Road and Bailey's Pond, SDP-98096/01.

- c. The rears of townhouse units fronting on Floral Park Road within Bailey Village shall incorporate architectural detailing with sufficient interest to be suitable along a public street.**

Comment: This specific design plan is for infrastructure only. The architecture for the townhouses along Floral Park Road will be governed by the exhibit included in the alternative compliance application that is companion to this case. The rear of the townhouses will be addressed with a revision to add architecture prior to the issuance of any building permits for the residential structures.

- d. The single-family detached units located along the main spine road through the development should front on the spine road.**

Comment: The single-family detached units located along the main spine road through the development front on the spine road.

- f. The development located directly adjacent to Floral Park Road should be evaluated from a visual standpoint. Full view of the major parking facility should be avoided if possible. The use of architecture to screen the view into major parking compounds and large blocks of townhouses from Floral Park Road and the interior streets should be encouraged.**

Comment: The single-family detached units located along the main spine road through the development front on the spine road.

- g. The applicant shall submit the technical design plans for the stormwater management pond located adjacent to Edelen House for review at the time of the SDP.**

Comment: The issue above was addressed in the review of Piscataway Road and Bailey's Pond, SDP-98096/01.

- h. The majority of the commercial uses proposed for the L-A-C Zone shall be retail.**

Comment: This issue will be addressed at the time of the review of the plans for development of the commercial component within the project.

- j. Development within Block B or E within Bailey Village shall include a meeting space with adequate parking to serve 200 persons and may be combined with the residential or recreational development proposed with those Blocks but not retail.**

Comment: This issue will be addressed at the time of the review of the plans for development of the commercial component within the project.

- 14. The applicant, his heirs, successors and/or assignees shall provide the Historic Preservation staff with evidence of items a. through f. below, which may include copies of contracts, work orders, completion orders, and receipts.**
- a. Maintenance of exterior security lighting and a fire/burglar alarm system equipped with motion detectors and window and door sensors.**
  - b. Maintenance of “No Trespassing” signs at the street and around the environmental setting at locations determined by the Historic Preservation staff and the applicant.**
  - c. Provide an updated inspection report by a qualified professional of the current condition of the Historic Site (inclusive of the roof, walls, chimneys, windows, doors and foundations of the main house and all significant outbuildings and structures within the environmental setting). The report shall include recommendations for repair if needed in order to preserve the integrity of the physical features.**
  - d. Provide routine maintenance of utilities inclusive of heating, plumbing and electrical systems.**
  - e. The applicant shall provide evidence of maintenance of fire insurance on the house.**
  - f. Provide evidence of good faith efforts made to locate a suitable organization or individual to take responsibility for the Edelen House Historic Site and any plans to find a suitable steward for the property. The developer shall also provide the Historic Preservation Commission with evidence of the current structural integrity and physical condition of the property with cost estimates for significant repair items identified.**

**The applicant, his heirs, successors and/or assignees shall continue to provide this information (which shall be included in a report to be provided to the Historic Preservation staff every six months beginning on or before July 30, 2002) until the Historic Site (Edelen House Historic Site 84-23-06) is restored or adaptively reused.**

Comment: The applicant is currently in compliance with Condition 14; required periodic status reports have been submitted according to the established schedule. This condition should be included as part of all subsequent applications.

- 15. Prior to the issuance of each residential building permit, the applicant, his heirs, successors and/or assignees shall provide evidence of contribution of \$400.00 to the Piscataway Preservation Grant and Loan Fund.**

Comment: Each building permit within The Preserve is reviewed for compliance with Condition 15. The funds generated by these contributions to the Piscataway Preservation Grant and Loan Fund (Piscataway Preservation Corporation) are collected and managed by an escrow agent retained by the applicant for this purpose. This condition should be carried forward and included as part of all subsequent applications.

**17. The applicant should demonstrate that the Piscataway Preservation Corporation has received approval of provisional nonprofit 501(c)(3) status from the Internal Revenue Service, if it is obtained.**

Comment: This condition was developed to potentially provide for tax-deductible contributions to the Piscataway Preservation Corporation (PPC). Since the permit fee of \$400.00 per building is required by a Planning Board condition, it would be considered as a required expense even in the absence of the PPC and could not be considered a voluntary, charitable, and tax-deductible contribution. Therefore, a Section 501(c)(3) determination under federal tax regulations is not appropriate. The applicant has demonstrated that the Piscataway Preservation Corporation has been incorporated under the Annotated Code of Maryland as a not-for-profit or nonstock equity entity. This condition should no longer be included as part of any subsequent development applications.

**19. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer, excluding those areas where variation requests have been approved, and be reviewed by the Environmental Planning Section prior to certification. The following note shall be placed on the record plat:**

**“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”**

Comment: This condition remains in effect. The expanded stream buffer shown on the SPD is in agreement with the variation requests granted during the approval of the preliminary plan.

**20. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.**

Comment: The applicant has obtained wetlands permits CENAB-OP-RMS (Villages at Piscataway) 95-63445-7 from the US Army Corps of Engineers and 95-NT-0129/199563445 from the Maryland Department of the Environment.

Impacts to wetlands and wetland buffers are discussed in more detail in the Environmental Review section below.

- 21. At the time of review of the specific design plan for the portion of the site containing Bailey Village, a geotechnical report focusing on Marlboro Clay, including soil borings, boring logs, a plan showing borehole locations, an evaluation of potential problems, and recommendations for mitigating potential problems, shall be submitted.**

Comment: A geotechnical report dated August 5, 2004, focusing on Marlboro Clay, including soil borings, boring logs, a plan showing borehole locations, an evaluation of potential problems, and recommendations for mitigating potential problems, has been submitted. Marlboro Clay is discussed in more detail in the Environmental Review section below.

- 26. The applicant, his heirs, successors and/or assignees shall construct an eight-foot-wide, asphalt Class II trail along the subject property's entire frontage of Floral Park Road from Piscataway Road to the entrance road to Bailey Village, unless modified by the operating authority at the time of issuance of street construction permits.**

Comment: The plan reflects the required trail as specified above.

- 28. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall provide a financial contribution of \$410.00 to the Department of Public Works and Transportation for the placement of a bikeway sign(s) along Road A, designated a Class III Bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If the Department of Public Works and Transportation declines the signage, this condition shall be void.**
- 29. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall provide a financial contribution of \$420.00 to the Department of Public Works and Transportation for the placement of a bikeway sign(s) along Medinah Ridge Road, designated a Class III Bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If the Department of Public Works and Transportation declines the signage, this condition shall be void.**

Comment: These conditions will be carried forward to the SDP in order to ensure enforcement.

- 31. The applicant, his heirs, successors and/or assignees shall construct an eight-foot-wide, asphalt trail along the subject property's entire frontage of the north side of Piscataway Road relocated east of Floral Park Road, unless modified by the operating authority at the time of issuance of street construction permits.**

Comment: This trail is reflected on the submitted SDP.

- 32. The applicant, his heirs, successors and or assignees shall provide standard sidewalks along both sides of internal public streets unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.**

Comment: Standard sidewalks are recommended along both sides of all internal roads as reflected on the SDP. This will help to safely accommodate pedestrians on the site.

- 41. The Specific Design Plan shall address specific issues of circulation and access raised by the Planning Department staff and DPW&T and shall review for consideration the following:**

- (2) Road B2 (sheet 5 of 4-03027)**

Comment: The above required modifications are shown on the plans.

- d. All townhouses (except Bailey Village Lots 22-30, Block D) fronting on public streets shall, if a garage is provided, have the garage fronting on and receiving access from a private alley.**

Comment: All townhouses either front upon private streets or have garages served by private alleys, in accordance with the requirements of this condition.

- e. The plans shall be revised to display horizontal curve alignment data at all needed locations.**

Comment: The needed data is displayed on the plan.

- 44. At the time of submittal of the first SDP for Preliminary Plan 4-03027, the applicant, his heirs, successors and/or assignees shall:**

- a. Create an "Edelen House Improvement Disbursement Fund" in the amount of \$150,000. The purpose of the fund is to make internal and external improvements (excluding new landscaping) to the Edelen House Historic Site (84-23-06) that enhances the historic and architectural integrity of the structure. These improvements, excluding routine maintenance and those maintenance items outlined in Condition 3 (a-f) of SDP 9804-01 as approved, may include but are not limited to repairs to exterior features such as roofs, doors, windows and wooden and masonry elements, and the installation of upgraded plumbing, heating, electrical, water and sewer services.**



- b. Submit to the Historic Preservation Commission for approval, a list of potential improvements to be paid for through disbursements from the Edelen House Improvement Disbursement Fund. All improvements to the Edelen House Historic Site (84-23-06) paid for by the Edelen House Improvement Disbursement Fund shall be approved by the Historic Preservation Commission and, as appropriate, be approved through the Historic Area Work Permit process. The applicant and the Historic Preservation Commission may, by mutual agreement, modify the list of improvements to be paid for through the Edelen House Improvement Disbursement Fund.**

Comment: The applicant has developed a list of repairs to be carried out with funds from the Edelen House Improvement Disbursement Fund, and these work items were reviewed and approved by the Historic Preservation Commission on May 18, 2004, through the applicant's historic area work permit application. This condition has been fulfilled.

- 45. Prior to the submittal of the 177<sup>th</sup> residential building permit for the development or 12 months from the date of the Planning Board's adoption of this preliminary plan, whichever is earlier, the applicant, his heirs, successors and/or assignees shall complete all agreed-upon improvements to the Edelen House Historic Site (84-23-06) to be paid for through disbursements from the Edelen House Improvement Disbursement Fund. As evidence of the completion of the improvements, the applicant shall provide the Historic Preservation Commission with a description of the work and itemized receipts.**

Comment: The applicant's historic area work permit application for improvements to be implemented through the Edelen House Improvement Disbursement Fund (HAWP #10-04) was reviewed by the Historic Preservation Commission on May 18, 2004, as stated above. According to Condition 45, the applicant must complete the improvements prior to the issuance of the 177<sup>th</sup> building permit or June 17, 2004 (12 months from the adoption of the Planning Board's approval of Preliminary Plan 4-03027), whichever occurs first.

As stated in SDP-0318 and SDP0401, the applicant has stated that completion of the improvements will not be possible according to the June 17, 2004, deadline. At the May 18, 2004, meeting of the Historic Preservation Commission (HPC), the applicant requested that the HPC recommend to the Planning Board an extension of the deadline for completion of the work until May 17, 2005. The Historic Preservation Commission's proposed revision to the schedule would allow for the retention of appropriate contractors and the accommodation of weather limitations associated with exterior rehabilitation work.

The Development Review Division has reviewed the proposal of the applicant and the recommendation of the Historic Preservation Commission. The Planning Board's condition provides for either a date-specific or the building permit deadline. If the applicant does not meet the date stated in the condition, then the condition does not specify the consequence of not meeting the date.

However, if the applicant does not meet the deadline prior to the issuance of the 177<sup>th</sup> building permit, then no additional permits will be recommended for approval by MNCPPC to the Department of Environmental Resources. This is the most effective way to monitor and enforce conditions of approval. It has been recognized by the staff that conditions relating to specific dates are not enforceable and allow delinquency on the part of the applicant with no repercussions.

9. The plan has been reviewed for conformance to the *Landscape Manual*. The subject application demonstrates conformance to Section 4.1 of the *Landscape Manual*. An alternative compliance application was submitted for Section 4.6, Buffering Residential Development for Streets along Floral Park Road. The following is the justification and opinion of the Alternative Compliance Committee and the Planning Director's recommendation:

Alternative compliance is requested for Section 4.6 of the *Landscape Manual*.

**BACKGROUND:**

The subject property is located on the south side of Floral Park Road at its intersection with Piscataway Road. The site is zoned L-A-C and the proposal is for the development of townhouses. The proposed location of the townhouse lots was previously approved on the preliminary plan of subdivision. In the review of the subdivision plan, it was thought that the townhouses would front Floral Park Road. However, at the time of the specific design plan for infrastructure review, it was found that the units would actually back up to Floral Park Road and front on an internal street, subjecting the site to section 4.6 of the *Landscape Manual*. The applicant submitted the subject alternative compliance application to request a reduction in the bufferyard width and to provide a brick wall to substitute for most of the landscaping requirements.

**REQUIRED:** Section 4.6, Buffering Residential Development from Streets along Floral Park Road.

Length of bufferyard:	256 feet
Width of bufferyard:	35 feet
Plant materials:	10 shade trees 38 evergreens

**PROVIDED:**

Length of bufferyard:	256 feet
Width of bufferyard:	10 feet (with a 7-foot-high brick wall)
Plant materials:	13 shade trees 9 evergreen trees 256 shrubs

#### JUSTIFICATION OF RECOMMENDATION:

The rear yards along Flora Park Road, an 80-foot-wide collector street, require a 35-foot-wide bufferyard and 367 plant units in accordance with Section 4.6 of the *Landscape Manual*. Ten feet of the required 35-foot-wide bufferyard are proposed and 431 plant units have been provided. The applicant proposes a seven-foot-high, brick wall with piers along the entire length of the rear yards. The brick wall extends around the side yard, enclosing the yard of the end units. In addition to the wall, the applicant proposes more than the required number of trees to buffer the rear yards and is using plant materials larger than the minimum size required in the *Landscape Manual*.

It is the committee's opinion that the proposed alternative is equal to or better than the normal requirements of Section 4.6 of the *Landscape Manual*.

The Alternative Compliance Committee recommends approval of AC-05012 subject to the following condition:

- a. Prior to final plat for Lots 1-9 Block F, a declaration or covenant for the purpose of fulfilling Section 4.6 of the *Landscape Manual* shall be recorded in the land records of Prince George's County.

Comment: The condition above has been included in the recommendation section of this report.

#### REFERRAL RESPONSES

10. The Community Planning Division reviewed the subject application and provided comments in a memorandum dated January 26, 2005. The Preserve, comprised of approximately 879 acres originally known as the Villages at Piscataway, is identified as within the Developing Tier by the 2002 General Plan. SDP-0319 for Bailey Village pertains to approximately 23.16 acres of The Preserve in the southeast quadrant of Piscataway Road and Floral Park Roads. The overall project is specifically recognized in the 1993 Subregion V master plan as appropriate for a comprehensively designed, planned recreational community development. With respect to application SDP-0319, the master plan recommends:
  - a. A Neighborhood Activity Center allowing limited local commercial, residential and civic land uses.
  - b. Low-Density Planned Neighborhood development at a density of up to 1.5 dwelling units per acre south of Floral Park Road.
  - c. Restoration and adaptive reuse of the Edelen House, which is identified as an historic site (84/23-6).

The 1993 Subregion V SMA approved a comprehensive design zone basic plan (A-9869 and A-9870) that classified the property subject to this application in the R-L (3.18 acres) and L-A-C

(19.88 acres) Comprehensive Design Zones.

This SDP application proposes 56 single-family residential dwellings, 49 townhouse units, and the redevelopment of the historic Edelen House. A 94,006-square-foot parcel at the intersection of Floral Park Road and proposed St. Mary's View Road is not designated as a particular land use in this application; it could be the location for commercial land uses as recommended by the master plan and the classification of the property in the L-A-C Zone.

The basic plan and a subsequently approved comprehensive design plan (CDP-9306) addressed all master plan issues regarding this development project. Application SDP-0319 for development of Bailey's Village should be evaluated for consistency with these previously approved plans. There are no additional master plan or General Plan issues related to this SDP application.

11. The Environmental Planning Section recommends approval of SDP-0319 and TCPII/1/05 subject to conditions.
  - a. This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. The approved master plan and sectional map amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A and 85B indicates that there are substantial areas designated as natural reserve on the site. As noted on page 136 of the Subregion V master plan:

**The Natural Reserve Area is composed of areas having physical features which exhibit severe constraints to development or which are important to sensitive ecological systems. Natural Reserve Areas must be preserved in their natural state.**

The Subregion V Master Plan elaborates on page 139:

**The Natural Reserve Areas, containing floodplain and other areas unsuitable for development should be restricted from development except for agricultural, recreational and other similar uses. Land grading should be discouraged. When disturbance is permitted, all necessary conditions should be imposed.**

To be in conformance with the Subregion V master plan, new development should preserve to the greatest extent possible the areas shown as natural reserve. For the purposes of this review, the natural reserve includes the expanded stream buffer and any isolated sensitive environmental features.

The specific design plan and Type II tree conservation plan show streams on the site, the required minimum 50-foot stream buffers, wetlands, the required 25-foot wetland buffers, a 100-year floodplain, and all slopes exceeding 25 percent, all slopes between 15 and 25 percent, and an expanded stream buffer.

The SDP proposes impacts to stream buffers and wetland buffers. Impacts to these buffers are prohibited by Section 24-130 of the Subdivision Regulations unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. All of the impacts proposed on SDP-0318 were granted variations by the Planning Board during the review and approval of Preliminary Plan 4-03027.

Comment: No further action regarding sensitive environmental features is required in regard to this SDP review.

- b. This site is subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in size and has more than 10,000 square feet of woodland. A tree conservation plan is required.

A forest stand delineation was reviewed with CDP-9306. A revised forest stand delineation was reviewed with 4-94017. Type I tree conservation plan TCPI/9/94 was approved with CDP-9306. A revision to Type I tree conservation plan TCPI/9/94-01 was approved with 4-94017. A revision to Type I tree conservation plan TCPI/9/94-02 was approved with 4-03027. The Type I tree conservation plan provides for all woodland conservation requirements to be met on site and does not allow woodland conservation areas on lots less than 20,000 square feet in area, the use of fee-in-lieu, or the use of an off-site easement.

A Type II Tree Conservation Plan (TCPII/1/05) was submitted with this application. This TCPII includes only 19.98 acres of the entire 793.2-acre project. This portion contains 2.67 acres of upland woodland and zero acres of floodplain woodland. The plan proposes clearing 1.09 acres of upland woodland. The plan proposes on-site preservation of 1.58 acres.

The design of the woodland conservation areas is in complete conformance with TCPI/9/94-02. Except for areas where variation requests were approved during the approval of preliminary plan of subdivision 4-03027, all priority woodland areas are to be preserved. Many areas where grading and clearing of woodland of expanded stream buffers have been approved will be reforested.

A tracking chart clearly calculates the overall woodland conservation for the project. The overall project remains in compliance with Consideration #4 of A-9869 & A-9870, CR-60-1999, September 14, 1993, and provides for woodland conservation of 35 percent as well as the preservation of a large contiguous wooded area in the southern portion of the site.

There are two minor technical corrections to the tracking table that are required, and the cover sheet for the TCPII does not show the location of each previously approved specific design plan and their companion Type II tree conservation plans.

Recommended Action: The Environmental Planning Section recommends approval of TCPII/1/05 subject to the following condition:

(1) Prior to certification of the specific design plan, the tracking table on Sheet 2 of 6 shall be revised to note that the Lusby TCPI number is II/68/04 and the TCPII number for Bailey Village is II/1/05; and the cover sheet shall be revised to show the location of each previously approved specific design plan and its companion Type II tree conservation plan.

- c. Marlboro Clay is known to occur on the site. A soils report was submitted with 4-96047. That study indicated that Marlboro clay occurs on the site between elevations 40 to 55. A more detailed study was submitted with SDP-9804. Because of the elevation of the clay and local topography, slope failure is not an issue. Footers for foundations cannot be set in Marlboro clay. Marlboro clay is unsuited as a subbase material for roads. Due to the elevation in this portion of the property, Marlboro clay should not be a factor for foundations or roads.

Comment: No further action regarding Marlboro clay is required with regard to the review of this SDP.

- d. Floral Park Road, Piscataway Road and Danville Road are designated historic roads. Proposed applications on or adjacent to scenic and historic roads are reviewed for conformance with *Design Guidelines and Standards for Scenic and Historic Roads* prepared by the Prince George's County Department of Public Works and Transportation. The approved Type I tree conservation plan and the Type II tree conservation plan show preservation of woodland along a significant portion of Floral Park Road.

Comment: No further action regarding historic and scenic roads is required with regard to this specific design plan review.

- e. The *Prince George's County Soils Survey* indicates that the principal soils on the site are in the Aura, Beltsville, Bibb, Elkton, Galestown, Othello, and Sassafras soils series. Condition 17 of PGCPB No. 94-213, File No. 4-94017, June 24, 1994, was specifically included to require future review of areas where highly erodible soils occur on slopes in excess of 15 percent. Aura, Beltsville, Elkton, and Othello soils are highly erodible.

Comment: This information is provided for the applicant's benefit. No further action is needed as it relates to this preliminary plan of subdivision review. A soils report may be required by the Prince George's County Department of Environmental Resources during the permit process review.

- f. A stormwater management concept plan, CSD#8008470-1994-01, has been approved by the Prince George's County Department of Environmental Resources and is valid until June 30, 2004.

Comment: No further action regarding the stormwater management is required with regard to this specific design plan review

12. The Historic Preservation and Public Facilities Planning Section (HP&PFP) has reviewed the original specific design plan for adequacy of public facilities and concluded the following:
- The existing fire engine service at Allentown Road Fire Station, Company 47, located at 10900 Fort Washington Road, has a service travel time of 7.64 minutes, which is beyond the 3.25-minute travel time guideline.
  - The existing ambulance service at Allentown Road Fire Station, Company 47, located at 10900 Fort Washington Road, has a service travel time of 7.64 minutes, which is beyond the 4.25-minute travel time guideline.
  - The existing paramedic service at Allentown Road Fire Station, Company 47, located at 10900 Fort Washington Road, has a service travel time of 7.64 minutes, which is beyond the 7.25-minute travel time guideline.
  - The existing ladder truck service at Accokeek Fire Station, Company 24, located at 16111 Livingston Road, has a service travel time of 6.67 minutes, which is beyond the 4.25-minute travel time guideline.

The above findings are in conformance with the *Approved Public Safety Master Plan (1990)* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

The staff of the HP&PFP found that the planned Brandywine Special Study Area Fire Station will be the first due station that will provide fire and rescue service to this development. In order to mitigate the response time deficiencies, the staff recommends that the applicant participate in providing a fair-share contribution toward the construction of the Brandywine Special Study Area Fire Station. The fair-share contribution was previously calculated during the analysis of preliminary plat of subdivision 4-03027. The contribution is \$479 per dwelling, \$152.93 per employee for any commercial use.

### **Police**

The proposed development is within the service area for Police District V-Clinton. The Planning Board's current test for police adequacy is based on a standard complement of officers. As of January 2, 2005, the county had 1,302 sworn officers and 43 student officers in the academy for a

total of 1,345 personnel, which is within the standard of 1,278 officers. This police facility will adequately serve the population generated by the proposed residences and offices.

13. The Transportation Planning Section reviewed the proposed specific design plan for conformance to the basic plan, comprehensive design plan, and the preliminary plan conditions relating to transportation in their memo dated May 25, 2005. Condition 17 of the Basic Plan approval in CR-60-1993 includes a statement that phasing of the construction of the third and fourth lanes of A-54 through the subject property would be determined at the time of subdivision. During review of preliminary plan 4-94017, the phasing for the initial two lanes of A-54 was determined in connection with a finding of adequacy, and the full right-of-way was required to be dedicated in order to allow the responsible operating agency the flexibility to determine when additional lanes would be constructed. It has been shown through traffic analyses that the third and fourth lanes are not required in order to meet transportation adequacy during the time that the site would be built out. DPW&T, under the authority granted by Subtitle 23, can require bonding of two lanes, four lanes, or whatever typical section that agency deems necessary within the right-of-way. For this reason, it is determined that the intent of the condition in obtaining a four-lane roadway along the A-54 alignment has been met by requiring the needed right-of-way. DPW&T, or whatever transportation agency ultimately controls this right-of-way, has the authority to determine the construction timing of the third and fourth lanes.

In consideration of the above findings, therefore, the transportation staff finds that the subject application does indeed conform to the approved subdivision plan, the approved comprehensive design plan and the approved basic plan from the standpoint of transportation.

The subject property is required to make roadway improvements pursuant to a finding of adequate public facilities made in 2003 and supported by a traffic studies and analyses done in 1994 and 2002. These conditions are enforceable with the submission of building permits. All required signal warrant studies required for submittal prior to SDP approval have been submitted.

To summarize, the Transportation Planning Division finds that the subject application does conform to the approved subdivision plans, the approved comprehensive design plan and the approved basic plan from the standpoint of transportation. Furthermore, the transportation staff finds that the development will be adequately served within a reasonable period of time with existing or programmed transportation facilities, or with transportation facilities to be provided as a part of the subject development.

14. The Permit Review Section has reviewed the plans and raised the following issues that remain outstanding:
  - a. The following is a list of additional development standards that should be included and added to the cover sheet of this SDP:
    - (1) Setbacks for all buildings including accessory buildings.
    - (2) Minimum distance between end buildings for the townhouses.



- (3) Setback requirements for open decks and porches.
  - (4) Amount of encroachment allowed for bay windows, chimneys, vestibules, areaways (above grade), etc., into the building restriction lines.
- b. Parking is insufficient. Parking calculations in General Note 12 lists 2.04 spaces for each townhouse unit with 100 required and 100 proposed. However, the site plan shows 40 townhouse units with only one-car garages off a 5-foot driveway from the alley. Use of a parking lot will require handicap accessible parking.
  - c. The townhouse lots appear to have single-car garages, many of which do not have the minimum setback of 19 feet for a second parking space. Revise the plan to accommodate a second parking space.
  - d. List the use of the historic site. Parking must be provided based on the use(s) of the building. No parking is shown.
  - e. General Note 10 lists setback from the side property line as 2 feet ; however, a majority of detached garages are on the property line.
  - f. Identify each garage as a two-car or one-car garage.
  - g. Dimension the setbacks from the closest point between each structure to all property lines.

Comment: The comments above have been included as conditions of approval for this case.

- 15. The plan conforms to the approved comprehensive design plan.
- 16. As explained in Findings 12 and 13 above, the development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Capital Improvement Program or provided as part of the private development.
- 17. Adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties as demonstrated through the stormwater management concept plan, CSD#8008470-1994-01, which has been approved by the Prince George's County Department of Environmental Resources and is valid until June 30, 2004.
- 18. Some of the townhouses proposed on the subject application have been designed to front the units on roadways, surrounding a village green in one instance. The rears of other units are buffered from the public rights-of-way and preservation of existing trees will provide privacy. Further review of the proposed townhouse architecture will occur prior to the issuance of any building permits, in accordance with Condition 8.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCPII/1/05), and further APPROVED Specific Design Plan SDP-0319 for the above-described land, subject to the following conditions:

1. The initial half-section of Piscataway Road extended (otherwise known as A-54, the relocation of MD 223 through the subject property) shall be open to traffic between Livingston Road and existing MD 223 to Floral Park Road prior to the issuance of the 186th residential building permit within the subject property.
2. In order to alleviate the negative impact on fire and rescue services due to inadequate service, an automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.
3. The applicant shall provide a fee to Prince George's County that shall serve as a fair-share contribution toward the construction of the Brandywine special study area station and acquisition of an ambulance and paramedic unit. The fee amount is based upon the construction cost of the station (\$1,275,000) and the purchase price of an ambulance (\$129,000) and paramedic unit (\$129,000), divided by the total amount of population and employees within the proposed service area at projected buildout in 2006 (10,024). The fair-share fee for residential development of \$479 per dwelling unit shall be paid prior to the approval of each permit, and the fair-share fee for commercial/historic uses of \$7,646.50 shall be paid prior to the issuance of the first building permit for nonresidential uses.
4. The applicant, his heirs, successors and/or assignees shall provide for the continuous occupancy of the Edelen House (the "property"). The applicant shall work with the Historic Preservation staff to ascertain methods of informing prospective purchasers and tenants of the availability of the property.
5. The applicant, his heirs, successors and/or assignees shall provide the Historic Preservation staff with evidence of items a. through f. below, which may include copies of contracts, work orders, completion orders, and receipts.
  - a. Maintenance of exterior security lighting and a fire/burglar alarm system equipped with motion detectors and window and door sensors.
  - b. Maintenance of "no trespassing" signs at the street and around the environmental setting at locations determined by the Historic Preservation staff and the applicant.
  - c. Provide an updated inspection report by a qualified professional of the current condition of the property (inclusive of the roof, walls, chimneys, windows, doors and foundations of the main house and all significant outbuildings and structures within the environmental setting). The report shall include recommendations for repair if needed in order to

preserve the integrity of the physical features.

- d. Provide routine maintenance of utilities inclusive of heating, plumbing and electrical systems.
- e. The applicant shall provide evidence of maintenance fire insurance on the house.
- f. Provide evidence of good faith efforts made to locate a suitable organization or individual to take responsibility for the Edelen House Historic Site and any plans to find a suitable steward for the property. The developer shall also provide the Historic Preservation Commission with evidence of the current structural integrity and physical condition of the property with cost estimates for significant repair items identified.

The applicant, his heirs, successors and/or assignees shall continue to provide this information (which shall be included in a report to be provided to the Historic Preservation staff every six months beginning on or before July 30, 2002) until the historic site is restored or adaptively reused.

6. Prior to the issuance of each residential building permit, the applicant, his heirs, successors and/or assignees shall provide evidence of contribution of \$400.00 to the Piscataway Preservation Grant and Loan Fund.
7. Prior to signature approval of the plan, the following modifications shall be made:
  - a. The sidewalk paving and specialty lighting shall be shown within the public right-of-way throughout Bailey Village. The details and specifications of each shall be shown on the plans and reviewed by the Urban Design Section, and approved by DPW&T at the time of permit.
  - b. The width of all private streets shall be dimensioned as no less than 22 feet and alleys shall be dimensioned as no less than 18 feet wide.
  - c. Each sheet of the SDP shall provide reference to all parcels and to whom the parcel is to be dedicated.
  - d. At least 50 percent of the single-family detached units in the village that are 65 feet or less in width at the street line shall have a fence in the front yard. At least one-third of the model lots shall include this feature.
  - e. The specifications and details for the fences in the front yards shall be agreed upon by the applicant and staff and shown on the plans.
  - f. The following is a list of additional development standards that should be included and added to the cover sheet of this SDP:

- (1) Setbacks for all buildings including accessory buildings.
    - (2) Minimum distance between end buildings for the townhouses.
    - (3) Setback requirements for open decks and porches.
    - (4) Amount of encroachment allowed for bay windows, chimneys, vestibules, areaways (above grade), etc., into the building restriction lines.
  - g. List the use of the historic site. Parking must be provided based on the use(s) of the building.
  - h. Identify each garage as a two-car or one-car garage.
  - i. Dimension the setbacks from the closest point between each structure to all property lines.
8. Prior to the issuance of any building permits for the construction of single-family detached, single family attached units, or the commercial buildings, the applicant shall file a revision to the plans that demonstrate the following:
- a. Conformance to Condition 1.b.(1)-(6) and 1.d-g, of CDP-9306 as stated in PGCPB No. 94-98(C)(A).
  - b. Submit the architecture proposed for the single-family detached and attached units. Review of the rear of units adjacent to Floral Park Road shall be reviewed for conformance to the architectural exhibit submitted in association with the alternative compliance (AC-05012) application approved as part of the plan.
  - c. For structures visible from Floral Park Road and/or Piscataway Road extended, the plans shall be reviewed by the Historic Preservation Commission for comments to be forwarded to the Planning Board or its designee.
9. Prior to the issuance of the first building permit for the subject application, the applicant shall demonstrate approval of the paving plans by DPW&T and the street trees within the right-of-way shall be in general conformance to the master plan of street trees, particularly in regard to size (2½- to 3-inch caliper) and spacing (approximately 35 feet on center).
10. The applicant, his heirs, successors and/or assignees shall display in the sales office all of the plans approved by the Planning Board for this subdivision, including all exterior elevations of all approved models, the specific design plan, tree conservation plan, landscape plan, and plans for recreational facilities.
11. The applicant, his heirs successors and/or assignees shall demonstrate, by means of a tracking

chart, that a minimum of 25 percent of the single-family detached units shall have front porches.

12. Prior to the submittal of the 177<sup>th</sup> residential building permit for the overall development or June 17, 2004, whichever is earlier, the applicant, his heirs, successors and/or assignees shall complete all agreed-upon improvements to the Edelen House Historic Site (84-23-06) to be paid for through disbursements from the Edelen House Improvement Disbursement Fund. As evidence of the completion of the improvements, the applicant shall provide the Historic Preservation Commission with a description of the work and itemized receipts.
13. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall provide a financial contribution of \$410.00 to the Department of Public Works and Transportation for the placement of a bikeway sign(s) along St. Mary's View Road (formerly Road A), designated a Class III bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If the Department of Public Works and Transportation declines the signage, this condition shall be void.
14. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall provide a financial contribution of \$420.00 to the Department of Public Works and Transportation for the placement of a bikeway sign(s) along Medinah Ridge Road, designated a Class III bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If the Department of Public Works and Transportation declines the signage, this condition shall be void.
15. Prior to final plat for Lots 1-9, Block F, a declaration or covenant for the purpose of fulfilling Section 4.6 of the *Landscape Manual* shall be recorded in the land records of Prince George's County.
16. The majority of uses proposed for the L-A-C Zone shall be retail.
17. Prior to signature approval the staff recommends the following information in relationship to the village green be added to the plans:
  - a. The plan shall be drawn to 1 inch equals 10 feet in scale.
  - b. The details and specifications of the walls shall be shown on the plan.
  - c. Location, details and specifications of lighting fixtures within the village green shall be provided.
  - d. Details and specifications of the paving materials and edging shall be provided.
  - e. Details and specifications of the seating elements shall be provided.
18. Prior to the issuance of the 818<sup>th</sup> building permit for the entire project, one of the following shall be accomplished:

- a. The golf course shall be fully constructed and opened for use.
- b. The basic plan shall be amended to delete the golf course and eliminate all conditions relating to the golf course.
- c. The comprehensive design plan shall be revised to modify the timing of the completion of the golf course.

19. Final plats may not be accepted until CB-6-2005 is enacted.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Eley, seconded by Commissioner Vaughns, with Commissioners Eley, Vaughns and Hewlett voting in favor of the motion, and with Commissioner Squire absent at its regular meeting held on Thursday, July 14, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of September 2005.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator